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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re
HBL SNF, LLC, d/b/a EPIC REHABILITATION
AND NURSING AT WHITE PLAINS,

Chapter 11
(Subchapter V)

Case No. 21-22623 (SHL)

Debtor.

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WHITE PLAINS HEALTHCARE PROPERTIES I, LLC

Plaintiff/Appellee

Adversary Proceeding No. 21-07096 (SHL)

HBL SNF, LLC, LIZER JOZEFOVIC AND MARK
NEUMAN,

Defendants/Appellants.

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**APPELLANT'S STATEMENT OF ISSUES ON APPEAL
AND DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Appellant, HBL SNF, LLC (“Appellant”), by its undersigned attorneys, states that the issues on appeal to the United States District Court for the Southern District of New York in connection with Appellant’s Notice of Appeal [ECF Docket No. 68] are as follows:

STATEMENT OF ISSUES

1. Did the Bankruptcy Court err in determining that the Lease was terminated by Appellee prior to the commencement of Appellant’s Chapter 11 bankruptcy case?
2. Did the Bankruptcy Court err in determining that the conduct of Appellee did not constitute a waiver of the notice of termination of the Lease?
3. Did the Bankruptcy Court err by granting summary judgment in favor of Appellee where questions of fact exist regarding the Appellee’s intention to terminate as evidenced by its subsequent inconsistent conduct?
4. Did the Bankruptcy Court err in determining that the Lease and the Construction Loan Agreement between Appellee and Security Benefit Corporation dated August 18, 2017, as Integrated Documents, do not require the consent of the secured lender, to whom the Lease was pledged, prior to any termination by Appellee?

DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD OF APPEAL

1. Copy of Certified Order Transferring Case and exhibits thereto [ECF Docket No. 1] – 11/08/2021.
2. Opposition Brief [ECF Docket No. 6] – 11/11/2021.
3. Declaration of Alfred E. Donellan and exhibits thereto [ECF Docket No. 7] – 11/11/2021.
4. Declaration of Nelida Lara in Opposition [ECF Docket No. 8] – 11/11/2021.
5. White Plains Healthcare Properties I, LLC's Supplemental Brief In Further Support Of Its Motion For Partial Summary Judgment On Lease Termination Issue filed by Eric Fisher on behalf of White Plains Healthcare Properties I, LLC [ECF Docket No. 33] – 02/11/2022.
6. White Plains Healthcare Properties I, LLC's Statement Of Undisputed Facts In Support Of Its Motion For Partial Summary Judgment On Lease Termination Issue [ECF Docket No. 34] – 02/11/2022.
7. Supplemental Memorandum of Law of HBL SNF, LLC in Opposition to Landlord's Motion for Summary Judgment [ECF Docket No. 35] – 02/22/2022.
8. Declaration of John Giardino in Opposition to Landlord's Motion for Summary Judgment and exhibits thereto [ECF Docket No. 36] – 02/11/2022.
9. Declaration of Lizer Jozefovic in Opposition to Landlord's Summary Judgment Motion [ECF Docket No. 37] -02/11/2022.
10. Statement of Undisputed Facts HBL SNF LLC's Statement of Undisputed Facts in Support of Opposition to Landlord's Motion for Summary Judgment [ECF Docket No. 38] – 02/11/2022.
11. Reply to Motion /White Plains Healthcare Properties I, LLC's Supplemental Reply Brief in Further Support of Its Motion for Partial Summary Judgment on Lease Termination Issue [ECF Docket No. 42] - 03/11/2022.
12. Response /White Plains Healthcare Properties I, LLC's Counterstatement of Facts [ECF Docket No. 43] - 03/11/2022.
13. Reply to Motion Debtor's Reply Memorandum in Opposition to Landlords Motion for Partial Summary Judgment [ECF Docket No. 44] - 03/11/2022.

14. Declaration of John Giardino in Further Opposition to Landlord's Supplemental Brief [ECF Docket No. 45] - 03/11/2022.
15. Transcript regarding Hearing Held on 03/24/22 [ECF Docket No. 46] – 03/28/2022.
16. Memorandum Of Decision [ECF Docket No. 51] – 05/20/2022.
17. Order [ECF Docket No. 61] – 06/28/2022.
18. Notice of Appeal [ECF Docket No. 68] – 07/21/2022.

Dated: New York, New York
August 4, 2022

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By: /s/ John Giardino

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